

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

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(filed with the Notice of Appeal)

Application Number

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First Named Inventor

Petteri Putkiranta

Art Unit

2617

Examiner

Huy C. Ho

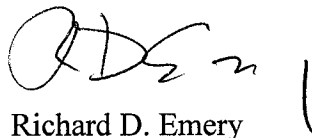
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

Respectfully submitted,



Richard D. Emery

Registration No. 58,894

Date April 14, 2008

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

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REMARKS

This document is filed in response to the final Official Action of December 12, 2007 and concurrently with a Notice of Appeal.

I. Rejections under Section 112

In the Official Action, Claims 1, 5, and 7 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 1 reads as follows:

1. A communications system having base stations for providing mobile stations with communications links and at least one localized service area, comprising:
 - a service server which is arranged to maintain information concerning the location of mobile stations in localized service areas and to generate requests for changing the service selection offered to mobile stations in response to receiving, from the mobile stations, mobile station generated messages describing the location of the mobile stations in relation to localized service areas; and
 - means for changing the service selection offered to a mobile station by the communications system in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station separately from obligatory location updates performed when roaming in the cells of a cellular radio network.

Independent Claims 5 and 7 include recitations similar to an “indication message [indicating the arrival of a mobile station in a localized service area and] generated . . . separately from obligatory location updates performed when roaming in the cells of a cellular radio network” of Claim 1.

The Official Action contends that the above highlighted recitation is not sufficiently described in the specification so as to convey that the Applicant was in possession of the invention at the time of filing. However, Applicant respectfully disagrees.

The specification, as originally filed, states as follows (*see* p. 7, ll. 16-18 of the specification filed on September 22, 2000; emphasis added):

Block 202 refers to the comparison at the mobile station with an identifier list, or some other activity on the basis of which the mobile station detects that it has arrived in a certain localized service area.

As such, the specification indicates that referring to an “identifier list” of base station identifiers is only one of several methods available for determining presence within a localized service area. The specification discusses what “other activities” may be utilized, specifically highlighting the association of a localized service area with geographic coordinates or temporal parameters. *See* p. 6, l. 18 to p. 7, l. 5 of the specification filed on September 22, 2000.

These examples can be compared to the Global System for Mobile Communications (“GSM”) standard referenced in the original specification. The GSM standard indicates that a mobile station shall transmit an obligatory location update message upon powering up, upon arriving in a new cell belonging to a different location area, or when a predetermined time has lapsed since the last transmission of an obligatory location update.

As an indication of the distinction between standard obligatory locations updates and the “indication message” of the present application, the GSM standard does not disclose utilizing geographical coordinates or temporal parameters in association with transmitting obligatory location updates. Further, Applicant is not aware of any telephony standards or other sources that disclose utilizing geographical coordinates or temporal parameters in association with transmitting obligatory location updates. As such, Applicant respectfully submits that the specification clearly describes the concept that messages indicating the arrival of a mobile station in a localized service area may be generated separately from

obligatory location updates performed when roaming in the cells of a cellular radio network, as recited in each of the independent claims.

It is also noted that the specification indicates that messages indicating the arrival at a new localized service area may have any of a variety of formats, including, for example, SMS and USSD. *See* p. 7, ll. 24-30 of the specification filed on September 22, 2000. By contrast, the GSM standard does not allow for any of these formats. Instead, according to the GSM standard, obligatory location updates are “piggy-backed” on Radio Resources-Set Asynchronous Balanced Mode (“RR SABM”) signaling messages. This therefore serves as further indication of the distinction between standard obligatory location updates and the “indication messages” of the present application.

Overall, Applicant respectfully submits that the specification provides ample disclosure of messages indicating the arrival of a mobile station in a localized service area may be generated separately from obligatory location updates performed when roaming in the cells of a cellular radio network, and that the rejections of Claims 1, 5, and 7 as failing to comply with the written description requirement should be reversed.

II. Rejections under Section 103

The Official Action rejected Claims 1-4 and 7-12 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,101,387 to Granberg *et al.* (“Granberg”) in view of French Patent Application Publication No. 2711033 to Remy (“Remy”). Applicant notes that the Official Action at one point indicates that Claims 1-4 and 7-12 were rejected under 35 U.S.C. § 102(e) as being anticipated (*see* p. 3, section 5 of the Official Action), but this statement appears to be made in error.

Claim 1 of the present application reads:

1. A communications system having base stations for providing mobile stations with communications links and at least one localized service area, comprising:
 - a service server which is arranged to maintain information concerning the location of mobile stations in localized service areas and to generate requests for changing the service selection offered to mobile stations in response to receiving, from the mobile stations, mobile station generated messages describing the location of the mobile stations in relation to localized service areas; and
 - means for changing the service selection offered to a mobile station by the communications system in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station separately from obligatory location updates performed when roaming in the cells of a cellular radio network.

Regarding the recitation “changing the service selection offered to a mobile station . . . in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station separately from obligatory location updates performed when roaming in the cells of a cellular radio network,” independent Claims 5 and 7 include recitations that are substantially similar.

The Official Action admits that *Granberg* fails to teach the provision of an indication message indicating the arrival of a mobile station in a localized service area, where the indication message is generated separately from obligatory location updates performed when roaming in the cells of a cellular radio network. *See* p. 4 of the Official Action. Applicant respectfully submits that *Remy* also fails to teach this feature. It is noted that the recitation at issue expressly requires that the message indicate the arrival of a mobile station in a localized service area. The messages discussed in *Remy* do not relate to the arrival in a localized service area, but instead relate to the onset of a desire in the user to receive personalized services. Subsequently, it may be determined that a mobile station is present in a localized

service area, but the message contemplated in *Remy* will not be an indication of or related to the arrival at a localized service area.

Remy describes a manual way of obtaining services, in which a user of a mobile station, upon deciding that personalized (*e.g.*, location-dependent) services are desired, can actively key in the specific number of a server in order to initiate such personalized services. As a result of this user activity, the specific server may become apprised of the location of the mobile station and thereby provide services related to that location. *See, e.g.*, the paragraph beginning at p. 10, l. 18 of *Remy*.

Further, Applicant notes that, while the user-created messages in *Remy* may initiate a determination of the location of the user's mobile station, information about the location of the mobile station does not actually come from the mobile station itself, but is instead generated by a base station subsystem (which resides within a base station controller). This is made clear in the paragraph from *Remy* beginning at p. 10, l. 22. Applicant also notes that a machine translation of *Remy* may be less clear than a true translation regarding this point, and the Applicant therefore urges the Examiner to obtain a true translation of *Remy* if he has not done so already.

Overall, a combination of *Granberg* and *Remy* results in a system in which (1) location information is transmitted in conjunction with obligatory location updates that may be related to arrival at a personalized location area and (2) location may be determined in the network based on a user-created call that is not related to arrival at a personalized location area. The combination does not teach or suggest the generation at a mobile terminal of an indication message, in response to an indication of the arrival of the mobile station in a localized service area, which indication is a message generated by said mobile station separately from obligatory location updates performed when roaming in the cells of a cellular radio network, as recited, in one form or another, in each of the independent claims.

For at least the above reasons, Applicant respectfully submits that independent Claims 1, 5, and 7, and the claims respectively depending therefrom, are patentable over *Granberg* and *Remy*, taken either alone or in combination, and that the rejections of these claims should be reversed.